

Nevada State Board  
of Massage Therapists  
1755 E. Plumb Lane Suite 252  
Reno, NV 89502  
Phone (775) 688-1888  
Fax (775) 786-4264



Nevada State Board  
of Massage Therapists  
101 Convention Center Drive Suite 830  
Las Vegas, NV 89109  
Phone (702) 486-2212  
Fax (702) 486-3658

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**BOARD MEMBERS:**

Billie Shea  
Michelle Viesselman  
Joe Cracraft  
Michael Smith

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**Email:**

[nvmassagebd@state.nv.us](mailto:nvmassagebd@state.nv.us)

**Website:**

<http://massagetherapy.nv.gov>

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**BOARD MEMBERS:**

Sgt. Leonard Lorusso  
Tree Allemang  
Robin Graber  
Kathleen Pilgreen

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***MINUTES***

The Nevada State Board of Massage Therapists (NSBMT) is scheduled to hold its regularly scheduled meeting;

**DATE: June 11, 2010**

**TIME: 9:00 a.m.**

***LOCATION:***

***VIDEO CONFERENCE LOCATIONS:***

**Las Vegas Location**  
Grant Sawyer State Office Building  
Attorney General Office 4500  
555 E Washington Ave  
Las Vegas, NV

**or**

**Carson City Location**  
Attorney General Office  
Mock Court Room  
100 North Carson Street  
Carson City, NV

The mission of the Nevada State Board of Massage Therapists is to, through licensing and regulating the practice of massage, protect the public health, safety and welfare by ensuring that only qualified competent Massage Therapy Practitioners are licensed in the State of Nevada. It is our goal to balance the needs of the public with those of Licensed Massage Therapists, through development, implementation, enforcement, and continued improvement in the areas of therapist education, public safety, boundaries and ethics, in compliance with the highest standards set forth within the massage therapy profession.

**Pursuant to NRS 241.030 the Board may close a meeting to consider the character, alleged misconduct, competence or physical or mental health of a person.**

**Note: \* denotes agenda items on which action may be taken**

**Note: Formal Hearing Schedule Item # 3**

9:00 a.m.

## 1. Roll Call/Introduction of Board Members

Meeting called to order at 9:03 a.m. by Chairperson Billie Shea.

Board Members Present: Billie Shea, Robin Graber, Tree Allemang, Sgt. Leonard Lorusso, Kathleen Pilgreen, Michael Smith, Joe Cracraft, Michelle Viesselman.

Board Members Absent: None.

## 2. \*Election of Officer

### a. Chairperson

Motion: Michelle Viesselman made a motion to appoint Billie Shea as Chairperson.

Seconded: Kathleen Pilgreen

Billie Shea stated she was elected the President of the Nevada Chapter of the AMTA. She stated in the past discussion, some members thought it may be a conflict of interest. She stated she went to the Nevada State Commission on Ethics and they did not feel it was a conflict. She stated she also went to the AMTA National twice and asked if they felt it was a conflict of interest and they also said "No".

Motion carried.

### b. Vice Chairperson

Motion: Kathleen Pilgreen made a motion to appoint Michelle Viesselman as Vice Chairperson.

Seconded: Michael Smith

Motion carried.

### c. Secretary/Treasurer

Motion: Michelle Viesselman made a motion to appoint Joe Cracraft as Secretary/Treasurer.

Tree Allemang made a motion to appoint Robin Graber as Secretary/Treasurer.

Joe Cracraft asked Billie Shea how many more years he has with the Board?

Ms. Shea stated two years.

**In Favor of Joe Cracraft:** Joe Cracraft, Michelle Viesselman, Kathleen Pilgreen.

**In Favor of Robin Graber:** Michael Smith, Tree Allemang, Robin Graber and Billie Shea.

**Robin was appointed Secretary/Treasurer.**

## 3. Moment of Silence in Remembrance of Reagan Alexander

Billie Shea stated that Reagan Alexander was our Las Vegas Metropolitan Officer when the Board first started. She stated that during his tenure, he was our biggest cheerleader and that he promoted great relationships with Metro, Clark County and the City of Las Vegas.

Ms. Shea stated that she and Lisa Cooper had a plaque made for each office in memory of Mr. Alexander. She stated the plaque was signed by herself and Ms. Cooper because they worked closely with him.

A moment of silence was held for Mr. Alexander.

#### 4. \* Formal Hearing

- a. 9:00 a.m. Phillip Tapuro – Present; Attorney Robert Draskovich – Present.

Keith Marcher, Senior Deputy Attorney General stated this case was noticed for a discovery hearing. He proposed to the Board to accept a Temporary Voluntary Surrender of License for Mr. Tapuro until his criminal case is complete with Metro. He stated, currently, there is no signed agreement but he will prepare the Order and Mr. Tapuro will return his license in ten days.

**Motion:** Joe Cracraft made a motion to accept the Temporary Voluntary Surrender of License for Phillip Tapuro.

**Seconded:** Michelle Viesselman

**Motion carried.**

- b. 9:30 a.m. Shaomei Chen – Not Present.

Keith Marcher, Senior Deputy Attorney General stated that Shaomei Chen signed an agreement for Voluntary Surrender of License and asks the Board to accept.

**Motion:** Michelle Viesselman made a motion to accept the Voluntary Surrender of License for Shaomei Chen.

**Seconded:** Joe Cracraft

**Motion carried.**

- c. 10:30 a.m. Jia Hong Yao – Not Present.

Keith Marcher, Senior Deputy Attorney General stated that Jia Hong Yao signed an agreement for Voluntary Surrender of License and asks the Board to accept.

**Motion:** Michelle Viesselman made a motion to accept the Voluntary Surrender

- d. 2:00 p.m. Feng Ying Ma – Not Present.

Keith Marcher, Senior Deputy Attorney General stated that Feng Ying Ma signed an agreement for a 45 day suspension with a \$2,000.00 fine and \$500.00 in administrative costs.

**Motion:** Michelle Viesselman made a motion to accept the agreement for Feng Ying Ma.

**Seconded:** Michael Smith

**Motion carried.**

#### 5. \*Settlement Agreements

- a. Yun Ping Bowlyou – Not Present.

Keith Marcher, Senior Deputy Attorney General stated at Yun Ping Bowlyou has agreed to a 45 day suspension of license with a \$2,000.00 fine and \$500.00 in administrative costs.

b. Pik Yuk Li – Not Present.

Keith Marcher, Senior Deputy Attorney General stated that Pik Yuk Li has agreed to a 45 day suspension of license with a \$2,000.00 fine and \$500.00 in administrative costs.

c. Yumin Han – Not Present.

Keith Marcher, Senior Deputy Attorney General stated that Yumin Han has voluntarily surrendered her license.

d. Lin Dai – Not Present.

Keith Marcher, Senior Deputy Attorney General stated that Lin Dai has agreed to a 45 day suspension of license with a \$2,000.00 fine and \$500.00 in administrative costs.

e. Jing Ma Nohrden – Not Present

Keith Marcher, Senior Deputy Attorney General stated that Jing Ma Nohrden has agreed to a 45 day suspension of license with a \$2,000.00 fine and \$500.00 in administrative costs.

f. Yun Jie Huang – Not Present.

Keith marcher, Senior Deputy Attorney General stated that Yun Jie Huang has agreed to a 90 day suspension of license with a \$500.00 fine and \$500.00 in administrative costs.

**Motion:** Robin Graber made a motion to accept the agreements for items 5a-5f.

**Seconded:** Tree Allemang

**Motion carried.**

## 6. \*Review of CEH Not Approved by Chairperson

a. Christine A. Hale – Review Approval/Denial of CEH: Yoga Teacher Training – Not Present.

Lisa Cooper stated that Christine Hale is before the Board due to Continuing Education not approved by the Board Chair.

Michelle Viesselman stated that she would like to know the breakdown of Anatomy and Physiology.

Robin Graber stated that it should not matter because Anatomy is beneficial.

Michael Smith stated that previously, someone that had taken Yoga, had given the Board a breakdown as to the number of hours spent on different subjects.

**Motion:** Robin Graber made a motion to table the review of CEH's for Christine Hale until she can provide a breakdown on the number of hours.

**Seconded:** Michael Smith

**Motion carried.**

- b. Rosalie Henry – Review Approval/Denial of CEH: The Immune System and the Brain and Classic Homeopathy – Not Present.

Lisa Cooper stated that Rosalie Henry is before the Board due to Continuing Education not approved by the Board Chair.

**Motion:** Robin Graber made a motion to grant six credits for The Immune System and the Brain and zero credits for Classic Homeopathy.

**Seconded:** Kathleen Pilgreen

**Favor:** Tree Allemang, Robin Graber, Kathleen Pilgreen, Michael Smith and Joe Cracraft

**Opposed:** Michelle Viesselman

**Motion carried.**

- c. Teresa M. Bertrand – Review Approval/Denial of CEH: Thai Massage for Table, Level 3 of Intuition Development, Reiki Level II and Leadership Lake Tahoe – Not Present.

Lisa Cooper stated that Teresa Bertrand is before the Board due to Continuing Education not approved by the Board Chair.

Michael Smith asked the Board for their thoughts on Reiki.

Michelle Viesselman stated that the Board has accepted Reiki and Thai in the past.

**Motion:** Michelle Viesselman made a motion to grant eight hours for Reiki Level II and 7.5 hours for Thai Massage for Table.

**Seconded:** Kathleen Pilgreen

**Motion carried.**

- d. Elaine H. Gademsky – Review, Approval/Denial of CEH: Serv Safe Certification – Not Present.

Lisa Cooper stated that Elaine Gademsky is before the Board due to Continuing Education not approved by the Board Chair.

Robin Graber stated that this does not apply to massage therapy.

**Motion:** Robin Graber made a motion to deny ServSafe Certification for Elaine Gademsky based on it not applying to massage theapists.

**Seconded:** Michelle Viesselman

**Motion carried.**

- e. Kristy M. Naugle – Review Approval/Denial of CEH: General Psychology, Basic of Spanish I, First Year Spanish I, Principle of Sociology and Oral Communications – Present.

Lisa Cooper stated that Kristy Naugle is before the Board due to Continuing Education not approved by the Board Chair.

Michael Smith stated that these courses are not in the scope of practice.

**Motion:** Michael Smith made a motion to deny General Psychology, Basic Spanish, First Year Spanish I, Principle of Sociology and Oral Communications based on scope of practice.

**Seconded:** Michelle Viesselman

**Motion carried.**

- f. Kelly Hickman – Review, Approval/Denial of CEH: Anatomy/Physiology/Kinesiology, Pathology and Terminology – Present.

Lisa Cooper stated that Kelly Hickman is before the Board due to Continuing Education not approved by the Board Chair.

Ms. Hickman stated that she wanted to expand her knowledge of Anatomy and Physiology and Kinesiology. She stated it has been ten years since she was in school and felt that it would benefit her to take additional hours in these courses.

Joe Cracraft stated that since this is Core Curriculum, he doesn't understand how this could help Ms. Hickman.

Robin Graber stated that although this is Core, a person can never learn everything the first time around and feels it is beneficial to brush up on the subjects after ten years.

Tree Allemang stated that she felt a person can never have enough Anatomy and Physiology.

Mr. Cracraft asked Ms. Hickman how this expanded her knowledge because it is Core Curriculum and is basic knowledge?

Ms. Hickman stated that when she initially went to school ten years ago, she did not have anywhere close to 20 hours in these subjects.

**Motion:** Robin Graber made a motion to grant 36 hours of Rollover for Anatomy/Physiology/Kinesiology, Pathology and Terminology for Kelly Hickman.

**Seconded:** Tree Allemang

**Motion carried.**

- g. Linda M. Mitre – Review, Approval/Denial of CEH: Theta Healing – Not Present.

Lisa Cooper stated that Linda Mitre is before the Board due to Continuing Education not approved by the Board Chair.

**Motion:** Michelle Viesselman made a motion to deny the Theta Healing for Linda Mitre based on scope of practice.

**Seconded:** Michael Smith

**Motion carried.**

- h. Flormina S. Lim-Jordon – Review Approval/Denial of CEH: Trust Your Vibes Workshop – Not Present.

Lisa Cooper stated that Flormina Lim-Jordon is before the Board due to Continuing Education not approved by the Board Chair.

**Motion:** Michelle Viesselman made a motion to deny Trust Your Vibes Workshop for Flormina Lim-Jordon.

**Seconded:** Michael Smith

**Motion carried.**

- i. Lorraine Hop – Review, Approval/Denial of CEH: Geriatric Suicide and Health Literacy and Aging – Not Present.

Lisa Cooper stated that Lorraine Hop is before the Board due to Continuing Education not approved by the Board Chair.

**Motion:** Michelle Viesselman made a motion to deny Geriatric Suicide and Health Literacy and Aging for Lorraine Hop based on scope of practice.

**Seconded:** Robin Graber

**Motion carried.**

Joe Cracraft asked if massage therapists are mandatory reporters because all health care providers are mandatory.

Billie Shea stated that she thinks the answer is no but she is not sure.

Mr. Cracraft stated that it would be good if we could clarify that information.

- j. Jenny L Roster – Review Approval/Denial of CEH: Diabetes and Immunology and the Brain – Not Present.

Lisa Cooper stated that Jenny Roster is before the Board due to Continuing Education not approved by the Board Chair.

Robin Graber stated that she feels this is a great course.

**Motion:** Robin Graber made a motion to approve Diabetes and Immunology and the Brain for Jenny Roster.

**Seconded:** Michael Smith

**Motion carried.**

- k. Garrick E. Tackett – Review Approval/Denial of CEH: 223 Anatomy and Physiology I and 224 Anatomy and Physiology II. – Present.

Lisa Cooper stated that Garrick Tackett is before the Board due to Continuing Education not approved by the Board Chair.

Robin Graber stated that Anatomy and Physiology are courses that benefit everyone.

**Motion:** Robin Graber made a motion to grant 36 hours of rollover for Anatomy and Physiology for Garrick Tackett.

**Seconded:** Michael Smith

**Motion carried.**

Ms. Cooper asked the Board if the staff can approve CEH's for Anatomy and Physiology if the student attended school several years ago? She asked if she could make a policy and bring it back before the Board for approval.

The Board agreed.

- I. Amber Hambly – Review Approval/Denial of CEH: Glymed 3 Day Advanced Clinical Skin Care and Science of the Skin by Circadia – Not Present.

Lisa Cooper stated that Amber Hambly is before the Board due to Continuing Education not approved by the Board Chair.

**Motion:** Michelle Viesselman made a motion to deny Glymed 3 Day Advanced Clinical Skin Care and Science of the Skin for Amber Hambly based on scope of practice.

**Seconded:** Robin Graber

**Motion carried.**

## 7. \*Probation Termination

- a. Carolyn Hensger –Not Present.

Lisa Cooper stated that Carolyn Hensger has met the terms of her probation set by the Board and is recommending termination of probation, effective June 30, 2010.

**Motion:** Tree Allemang made a motion to terminate probation for Carolyn Hensger effective June 30, 2010.

**Seconded:** Michael Smith

**Motion carried.**

- b. Wen Li Long – Present; Wei Mei Borgel, Interpreter – Present.

Lisa Cooper stated that Wen Li Long has met the terms of her probation set by the Board and is recommending termination of probation, effective June 30, 2010.

Robin Graber asked Ms. Cooper if Ms. Long was in default because she was not listed on the compliance checks.

Ms. Cooper stated “No”.

**Motion:** Robin Graber made a motion to terminate probation for Wen Li Long effective June 30, 2010.

**Seconded:** Tree Allemang

**Motion carried.**

- c. James Wolfrey – Present.

Lisa Cooper stated that James Wolfrey has met the terms of his probation set by the Board and is recommending termination of probation effective June 30, 2010.



**Motion:** Tree Allemang made a motion to terminate probation for James Wolfrey effective June 30, 2010.

**Seconded:** Michelle Viesselman

**Motion carried.**

- d. Xue Lianling - Present; Kirk Kennedy, Attorney-At-Law – Present, Wei Mei Borgel, Interpreter – Present.

Lisa Cooper stated that Xue Lianling has met all of the terms set by the Board and is recommending termination of probation effective June 30, 2010.

**Motion:** Robin Graber made a motion to terminate probation for Xue Lianling effective June 30, 2010.

**Seconded:** Kathleen Pilgreen

Billie Shea asked if people were living at Desert Inn Spa?

Ms. Cooper stated that it did not apply to Ms. Lianling but it does to her establishment.

Ms. Shea recommended to Mr. Kennedy to let his client know that people living on premises at her place of employment is unacceptable.

Mr. Kennedy stated that he would advise his client.

**Motion carried.**

## 8. \* Petition to Appear

- a. Debra Rilea – Discussion/Approval/Denial of Students that graduate from an approved Massage Therapy Program in Nevada do not have to go before the Board for an Application Review if the exam of choice is the MBLEx – Present.

Lisa Cooper stated that Debra Rilea is before the Board because she would like approval for people who have attended a school in Nevada to not go before the Board if they have taken the MBLEx Exam.

Ms. Rilea stated that students who choose to take the MBLEx Exam have to wait three to four months longer because they must go before the Board for review. She stated that she would like to know the purpose because the school still sends the Transcripts and Certificate of Completion, which is the same process for those who have taken the National Exam. She stated that all school in Nevada have to teach a minimum of 500 hours of education, and a lot of the schools teach more.

Ms. Cooper stated that she wanted to reiterate that this is for Nevada schools only.

Michelle Viesselman asked if there is anything precluding us from doing this?

Senior Deputy Attorney General, Keith Marcher stated that he has not researched that information, and at this time, cannot answer that question.

Billie Shea stated that the Board just started accepting the MBLEx, and in her opinion, she is not sure if the Board has enough experience to automatically approve this decision. Ms. Shea asked Ms. Cooper to contact other agencies and to present a presentation of the MBLEx.

Ms. Rilea stated that close to 28 states participate in the MBLEx and that the Board has the resource of the Federation that they can reach out to, and that the Board should feel confident that 28 other states accept it without appearing before a Board. She asked Ms. Shea if she cared about the content of the Exam?

Ms. Shea stated “No”, that she trusts the content.

Joe Cracraft stated that according to Section 4 of the NAC’s, it states the three exams that we accept. He asked if we had the authority to add this one or do we add the MBLEx through portfolio review?

Mr. Marcher stated that the Board has the authority to approve.

**Motion:** Joe Cracraft made a motion to table the review of automatically accepting the MBLEx Exam until Ms. Cooper can obtain more information.

**Seconded:** Michelle Viesselman

**Motion carried.**

- b. David Otto – Discussion/Approval/Denial of granting attendees of the 5/8/11 Massage World Record Project Event that are out-of-state massage therapists allowed to practice massage without a current Nevada State Board of Massage Therapist License – Present.

Billie Shea recused herself.

Mr. Otto stated that he would like out of state therapists to be allowed to practice massage without a current Nevada Massage License for the Massage World Record Project Event. He stated that all of the therapists would be licensed.

The Board held discussion on NRS640C to determine if this could be allowed.

**Motion:** Robin Graber made a motion to table this discussion so that Lisa Cooper can come up with a policy to allow out of state therapists to work for the event.

**Seconded:** Tree Allemang

**Motion carried.**

- c. Mei Qin Zhao – Requesting to Have Probation Reconsidered and to be Granted an Agreement for Suspension/Fine – Present; Hugo Chiang – Interpreter; Present.

Lisa Cooper stated that Mei Qin Zhao has been on probation for some time and would like pay a fine and have suspension with time served

Billie Shea asked if Ms. Zhao has been working?

Ms. Zhao stated “No”.

Ms. Shea asked if there was a previous fine?

Ms. Cooper stated there was a small fee and Ms. Zhao chose one year probation to keep the fine low.

Ms. Shea asked Ms. Zhao what she would like the Board to do?

Ms. Zhao stated she would like to cancel her probation and receive her license.

Ms. Shea asked Ms. Cooper how long has Ms. Zhao been on probation?

Ms. Cooper stated for almost one year.

**Motion:** Robin Graber made a motion to end termination for Mei Qin Zhao and to pay a fine of \$1,000.00 fine and \$500.00 administrative costs.

**Seconded:** Michelle Viesselman

Ms. Shea asked the interpreter to explain to Ms. Zhao that she will have to pay total costs of \$1,500.00 and is she okay with that agreement.

Mr. Chiang stated "Yes" she is okay with the amount.

Joe Cracraft asked Ms. Cooper when does Ms. Zhao come off of probation?

Ms. Cooper stated that Ms. Zhao has never started working, and that probation starts when a person begins working.

Mr. Cracraft asked what is the difference in this case regarding the amount of the fines?

Ms. Cooper stated that in the other cases, the therapists were out of work longer.

**Motion carried.**

- d. Hong Zhang - Requesting to Have Probation Reconsidered and to be Granted an Agreement for Suspension/Fine – Present; Kirk Kennedy, Attorney-At-Law – Present; Wei Mei Borgel, Interpreter – Present.

Lisa Cooper stated that Mr. Kennedy is requesting her probation to be converted to a \$500.00 fine and \$500.00 administrative costs.

Mr. Kennedy stated he would like the Board to consider Ms. Zhang's probation as time served because she has been on probation since 2007 and to reinstate her license.

Billie Shea asked Mr. Kennedy if Ms. Zhang has ever worked?

Mr. Kennedy stated, "Yes" at Desert Inn Spa awhile ago but stated that she did not have adequate supervision and stated that the Board had concerns.

Ms. Shea asked Ms. Cooper if she paid the original Order?

Ms. Cooper stated "Yes".

**Motion:** Tree Allemang made a motion to approve the revision of the suspension.

**Seconded:** Robin Graber

**Motion carried.**

Ms. Cooper asked if Ms. Zhang owed an additional total of \$1,000.00?

The Board stated "Yes".

- e. Qin Fen Yang - Requesting to Have Probation Reconsidered and to be Granted an Agreement for Suspension/Fine – Present; Kirk Kennedy, Attorney-At-Law – Present; Wei Mei Borgel, Interpreter – Present.

Lisa Cooper stated that Ms. Yang has been on probation since 2007. She stated Mr. Kennedy is requesting for Ms. Yang to pay \$500.00 fine and \$500.00 administrative costs.

Mr. Kennedy stated that Ms. Yang did have previous employment in the past and he would like to have her license reinstated.

Billie Shea asked Ms. Cooper if this probation is different?

Ms. Cooper stated "Yes". She stated previously there was no fine set for Ms. Yang because it was before the Board started fining therapists.

**Motion:** Michelle Viesselman made a motion to accept the terms for Agreement for Fine and the revision of probation.

**Seconded:** Robin Graber

**Motion carried.**

## 9. \*Citation Appeal

- a. Shane Larsen – Requesting to be Granted a Hearing Regarding a Citation that was Issued on February 26, 2010 – Present.
- b. Avidan Berk – Requesting to be Granted a Hearing Regarding a Citation that was Issued on February 26, 2010 – Present.

Items 9a and 9b were both heard simultaneously by the Board.

Senior Deputy Attorney General, Keith Marcher asked Mr. Larsen and Mr. Berk to review the Exhibits handed to them to see if they would have any objections to the Board reviewing them. He stated the Exhibits were copies of the Anonymous Complaint Form, the Citation, and both of their business cards.

Mr. Larsen and Mr. Berk stated they do not object to the Board seeing the information.

The Board was given copies of the Exhibits.

Mr. Marcher called Jatasha Millikin as a witness. Ms. Millikin was sworn in by the Court Reporter.

Keith Marcher asked Ms. Millikin to state her name for the record.

She stated Jatasha "Nikki" Millikin.

Mr. Marcher asked Ms. Millikin where she is employed?

Ms. Millikin stated that she works as a Field Inspector for the Nevada State Board of Massage Therapists.

Mr. Marcher asked Ms. Millikin how long she has been employed?

Ms. Millikin stated "two years".

Mr. Marcher asked Ms. Millikin if she has copies of the Exhibits?

Ms. Millikin stated "Yes".

Mr. Marcher asked Ms. Millikin if there was an Anonymous Complaint?

Ms. Millikin stated "Yes".

Mr. Marcher asked Ms. Millikin what she did after she received the Complaint?

Ms. Millikin stated that she did an Inspection at the Tuff n Nuff Event at the Orleans. She stated it was a UFC Event.

Mr. Marcher asked Ms. Millikin when was this Event?

Ms. Millikin stated it was February 26, 2010, approximately 8 p.m.

Mr. Marcher asked Ms. Millikin what happened next?

Ms. Millikin stated that upon entrance, she saw a sign that said Complimentary Chair Massage. She stated as she approached Mr. Larsen and Mr. Berk, she identified herself as an Inspector from the Nevada State Board of Massage Therapists. She stated she asked to see their license. Ms. Millikin said the two men identified themselves and stated that they were current students of the Nevada School of Massage Therapy.

Mr. Marcher asked Ms. Millikin if, in theory, Mr. Larsen and Mr. Berk were the ones who would be providing the Chair Massage?

Ms. Millikin stated "Yes".

Mr. Marcher asked Ms. Millikin if anyone else was present?

Ms. Millikin stated that it was Mr. Larsen, Mr. Berk and customer was in the chair. She stated that when she asked to see their licenses, they did not have a valid Massage Therapist License with the State of Nevada.

Mr. Marcher asked Ms. Millikin if she told Mr. Larsen and Mr. Berk if they needed a License, and if so, what was their response?

Ms. Millikin stated "Yes" she did tell them that a license was needed. She stated they told her it was a class project and that they were instructed by a teacher, Dorothy Stoddard, to perform this project for school.

Mr. Marcher asked Ms. Millikin if Mr. Larsen and Mr. Berk thought they were exempt because it was a school project?

Ms. Millikin stated "Yes".

Mr. Marcher asked Ms. Millikin if she issued a Citation?

Ms. Millikin stated "Yes".

Mr. Marcher asked Ms. Millikin why did she issue a Citation?

Ms. Millikin stated that it was for unlicensed activity, NRS.640C.910.

Mr. Marcher asked Ms. Millikin why did she give Mr. Larsen and Mr. Berk a ticket?

Ms. Millikin stated she issued the tickets because they told her that they were not licensed in Nevada, that they were current students, and they were offering Complimentary Chair Massage and they also had a client in the chair.

Mr. Marcher asked Ms. Millikin if she received any business cards?

Ms. Millikin stated "Yes".

Mr. Marcher asked Ms. Millikin to read what the business cards said for the record.

Ms. Millikin stated the cards read, Avidan Berk, Massage Therapist, [ab@yahoo.com](mailto:ab@yahoo.com) and graduate of Nevada School of Massage Therapy. She stated the other card read, Shane Larsen, Massage Therapist, (702) 443-0937 and graduate of Nevada School of Massage Therapy.

Mr. Marcher asked Ms. Millikin how did she receive the business cards?

Ms. Millikin stated from the two gentlemen at the Tuff n Nuff Event at their Chair Massage site.

Mr. Marcher asked Ms. Millikin if they had the business cards out, or did she ask for them?

Ms. Millikin stated that she asked them to provide her one.

Mr. Marcher asked Ms. Millikin if they were giving the business cards out to anyone or were they just on their person?

Ms. Millikin stated the gentlemen were giving them out, and when she asked for one, they gave it to her also.

Mr. Marcher stated that he had no more questions for Ms. Millikin and told Mr. Larsen and Mr. Berk that they were free to ask Ms. Millikin any questions.

Mr. Larsen and Mr. Berk stated they did not have any questions.

Mr. Marcher stated to the Board that if they have any questions, now would be the time to ask.

Lenny Lorusso asked Mr. Larsen and Mr. Berk if they were graduates?

Mr. Larsen and Mr. Berk stated not at that time, but they are now.

Mr. Lorusso asked Ms. Millikin if she has spoken with the teacher?

Ms. Millikin stated "No".

Mr. Lorusso asked Mr. Larsen and Mr. Berk if the teacher provided them any documentation to support their story?

Mr. Berk stated "No". He stated that she just gave examples that students went to UNLV so they chose to go to the sporting event. He stated that Mr. Larsen knew the woman that was in charge of the event so they decided to go. He stated they were there for an hour, he had one client, and following that Ms. Millikin showed up as they received another client. He stated the client had a beer and he asked the client to put the beer down because he did not want to do massage while someone was drinking alcohol.

Kathleen Pilgreen asked if the school printed their business cards?

Mr. Berk stated "Yes". He stated he did have his own that read "Student Practitioner" but he was not handing those out.

Mr. Marcher stated that at this time, the Board should only ask questions of the witness, Jatasha Millikin and later, Mr. Larsen and Mr. Berk will have an opportunity to testify. He then stated that he did not have any other witnesses and stated for Mr. Larsen and Mr. Berk to call any witnesses they may have.

Mr. Berk asked if it had to be someone from the event or if it could be anyone?

Mr. Marcher stated it could be anyone whose testimony would be relevant.

Mr. Berk called Sara Epperly.

Ms. Epperly was sworn in by the Court Reporter.

Mr. Berk asked Ms. Epperly what the assignment was that was given to the class?

Ms. Epperly stated it was to find a group of people and recruit them into massage therapy by any means necessary. She stated the teacher did give an example of going to UNLV and there was a group of students giving chair massage and speaking with people about massage therapy and how it can be beneficial.

Ms. Pilgreen asked if the witness was a fellow classmate?

Mr. Berk stated "Yes".

Mr. Berk asked Ms. Epperly if the students at UNLV were licensed?

Ms. Epperly stated that they were students and not licensed.

Mr. Berk asked Ms. Epperly if the students had business cards?

Ms. Epperly stated "Yes".

Mr. Berk stated they have no more questions for Ms. Epperly.

Ms. Pilgreen asked Ms. Epperly if a teacher was present with the students at UNLV?

Ms. Epperly stated "No".

Ms. Pilgreen asked Ms. Epperly if she knew that for a fact.

Ms. Epperly stated "No", but that was the information that was given to them was that they were students providing chair massage.

Ms. Viesselman asked Mr. Larsen and Mr. Berk if they were students of UNLV or if they were students of Nevada School of Massage Therapy?

Mr. Berk stated they were students of their school, Nevada School of Massage Therapy.

Mr. Lorusso asked Ms. Epperly if she was provided business cards as also?

Ms. Epperly stated "Yes".

Ms. Viesselman asked Ms. Epperly if it was a Professional Development class?

Ms. Epperly stated "Yes".

Ms. Viesselman asked if it was correct to say that the assignment was to educate and solicit people into the field of massage and not necessarily to provide massage?

Mr. Berk stated that he has a copy of the assignment.

Mr. Marcher stated that the assignment can be Exhibit A and asked Ms. Viesselman to read the assignment.

Ms. Viesselman stated that it basically states in order to fine tune their speaking skills about massage therapy, and to step them outside of their comfort zone, they were to individually, or in groups of two or three, to develop a written plan to enroll people outside of class into receiving a massage at the weekend student clinic. She then stated they were to document the demographics, etc. of the people. She stated it also says to try this without actively soliciting anyone. Ms. Viesselman asked if they agreed this was



the essentials of what the assignment said?

Mr. Berk stated "Yes".

Joe Cracraft asked Mr. Larsen and Mr. Berk if any other examples were given?

Mr. Berk stated "No".

Ms. Viesselman asked Mr. Larsen and Mr. Berk if they recognized the assignment states to not actively solicit massages?

Mr. Berk stated that he understands that now.

Michael Smith stated he went through the same program and they were vague about how to do the exercise without actively doing it, but they wanted students to get their hands on experience.

Ms. Viesselman stated that she also went through the program, and also taught Professional Development at the school, and she stated they were specific that you could not massage unless it was part of a school event or on the school campus. She asked Mr. Larsen and Mr. Berk if they had any confusion?

Mr. Berk stated they were not told they could not go off of campus.

Ms. Viesselman asked if they were ever informed that you have to be licensed to perform massage anywhere other than campus?

Mr. Berk stated "Yes".

Ms. Viesselman stated that they went onto do massage anyway.

Ms. Epperly stated that it was always drilled into them not to charge for massages.

Ms. Viesselman asked if they were aware that it is against the law to advertise as a massage therapist without a current license, example being your business cards?

Mr. Berk stated he was not aware of that until Ms. Millikin told them.

Robin Graber asked if Mr. Larsen or Mr. Berk is licensed?

Mr. Larsen stated "Yes" he is.

Mr. Berk stated "No". He stated that he still has to take the National Exam and is currently enrolled in the Master Bodywork program at school.

**Motion:** Robin Graber made a motion to uphold the Citation.

**Seconded:** Michelle Viesselman

Mr. Cracraft asked Mr. Marcher what are the consequences?

Mr. Marcher stated they would pay the fine and the Citation remains. He stated the Board could also figure out a payment plan.

Billie Shea asked if the fine could be lower?

Mr. Marcher stated the amount of the fine is based on policy. He stated he believes the minimum is \$200.00 and the Board does have the discretion to lower it. He stated the amount for their fine is \$350.00.

Mr. Cracraft asked if there would be any consequences on current or future licensing?

Mr. Marcher stated "No".

Ms. Pilgreen stated that she feels the assignment was not clear and she wishes that there was an instructor there to support the students.

Ms. Cooper stated there is a representative from the school in the audience.

**In Favor:** Michelle Viesselman and Robin Graber.

**Opposed:** Joe Cracraft, Michael Smith, Kathleen Pilgreen and Tree Allemang.

**Motion does not carry.**

Michael Smith stated that it seems the school is setting the students up to break the law by issuing business cards not stating that they are student practitioners. He stated maybe there is some miscommunication.

**Motion:** Michael Smith made a motion to dismiss the Citation.

**Seconded:** Tree Allemang

Ms. Viesselman stated that by Mr. Larsen and Mr. Berk's own testimony, they were aware that it is illegal to give massage to the public.

Ms. Cooper stated that she did speak with the school, and they stated the students were told not to give massages.

**In Favor:** Michael Smith, Joe Cracraft, Tree Allemang and Kathleen Pilgreen.

**Opposed:** Michelle Viesselman and Robin Graber

**Motion carried.**

## 10. \*Application Review

### a. Licenses Approved and Authorized by the Chairperson

Billie Shea asked Ms. Cooper how many licenses do we have?

Ms. Cooper stated approximately 3,700.00

Ms. Shea stated that we are averaging a little over 100 licenses per week, and through the end of June, we should be around 4,000.

**Motion:** Michelle Viesselman made a motion to approve Licenses Approved and Authorized by the Chairperson

**Seconded:** Robin Graber

**Motion carried.**

Joe Cracraft asked if that number puts the Board below where we were last year?

Ms. Cooper stated that she did not believe so, but she would have to look at the numbers again. She said she will not know until the end of June exactly how many we began the fiscal year with.

Ms. Shea stated that we will not know for sure until we roll out the numbers for the fiscal year, but it looks like we will meet our projections from last year, especially on the budget.

Mr. Cracraft stated that the budget looked like it indicated a possible reduction in the number of licensees.

Ms. Shea said "Yes" and it was done for a reason.

b. Review/Discuss/Action on California Schools – With Regards to National Certification

Board for Therapeutic Massage & Bodywork and Select Therapy Institute

Billie Shea stated the National Certification Board did a comprehensive investigation on Select Therapy Institute. She stated the Board has had problems with some of the applicants that have attended this school because the Board could not validate if the applicants had completed the program, or in some cases, if they were even living in the state. She stated this letter gives good information and would like the Board's input as to how to handle applicants from this school.

Robin Graber asked what does the California Massage Therapy Council say?

Lisa Cooper stated that when she spoke with the CAMTC, they were not accepting their credentials.

Ms. Shea stated that a lot of people are appearing today from the last Board meeting with the information that the Board requested, so the Board has to make a decision of what to do.

Senior Deputy Attorney General, Keith Marcher stated that if the Board has a reason to suspect a school is having problems with the CAMTC, it is appropriate to have the applicant prove they attended the school because they have to show that they are qualified. He stated that the Board should not do a blanket denial, but to continue to review the applications on a case by case basis, and if they cannot show they attended the school, and it does not meet the Board's standards, they can deny.

Ms. Shea stated that she likes the investigation process that the National Certification Board used, and she asked Ms. Cooper to come up with a matrix of what they did so the Nevada Board of Massage Therapists can emulate it. She also stated that Ms. Cooper

could also contact CAMTC, to see how they are handling this situation because she does not feel the Board is thorough enough with some of the cases they see.

Ms. Cooper stated to the Board that Select Therapy Institute is no longer allowed to send students to take the National Exam, and that people who have already taken the exam may be investigated one by one, and their certification may or may not be removed, depending on the findings of the investigation. She also stated their school number was removed for a minimum of three years.

Joe Cracraft asked if we can accept the National Certification Board's investigation or does our Board have to do their own?

Mr. Marcher stated the Board can rely on other entities.

Ms. Shea stated last year, the Board did an investigation on California schools, and they did not come up with one tenth of the information that the National Certification Board did.

**Motion:** Robin Graber made a motion to deny all applications from Select Therapy Institute based on the investigation by the National Certification Board.

**Seconded:** Michelle Viesselman

Ms. Cooper asked the Board to if they are giving staff the authority to deny all applications from Select Therapy Institute?

The Board stated "Yes".

Mr. Cracraft stated to Ms. Cooper to send letters to those applicants stating that they may appeal the Board's decision if they choose.

Ms. Cooper stated she would send a letter explaining the decision.

**Motion carried.**

- c. Review Application of Kaila Y. Makinano for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (2) (c) – Not Present.

Lisa Cooper stated that Kaila Makinano is before the Board due to taking the MBLEx Exam and is requesting to be granted a license under NRS.640C.400.

Robin Graber asked if Ms. Makinano had any arrests?

Ms. Cooper stated it was irrelevant. She stated it was five years ago and it was something that she could administratively approve in the office.

**Motion:** Robin Graber made a motion to grant a license to Kaila Makinano with no restrictions, under portfolio review.

**Seconded:** Tree Allemang

**Motion carried.**

- d. Review Application of Mistilinn Bowler for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (2) (c) – Not Present.

Lisa Cooper stated that Mistilinn Bowler is before the Board due to taking the MBLEx Exam and is requesting to be granted a license under NRS.640C.400.

**Motion:** Robin Graber made a motion to grant a license to Mistilinn Bowler with no restrictions.

**Seconded:** Michelle Viesselman

**Motion carried.**

- e. Review Application of Brent A. Bradley for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (2) (c)

Lisa Cooper stated that Brent Bradley is before the Board due to taking the MBLEx Exam and is requesting to be granted a license under NRS.640C.400.

**Motion:** Tree Allemang made a motion to grant a license to Brent Bradley with no restrictions.

**Seconded:** Michael Smith

**Motion carried.**

- f. Review Application of Lourenco DaSilva for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (2) (c) – Present.

Lisa Cooper stated that Lourenco DaSilva is before the Board due to taking the MBLEx Exam and is requesting to be granted a license under NRS.640C.400.

**Motion:** Michelle Viesselman made a motion to grant a license to Lourenco DaSilva with no restrictions.

**Seconded:** Michael Smith

**Motion carried.**

- g. Review Application of Katrina M. Seevers for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present.

Lisa Cooper stated that Katrina Seevers is before the Board because she was unable to obtain official transcripts and is requesting to be granted a license under NRS.640C.400.

Ms. Seevers stated that she went to The University of Nevada, Reno, and while obtaining her Bachelor's Degree in Computer Information Systems, she also attended the Massage Therapy Program. She stated the school would not issue official transcripts in a sealed envelope because they do not carry transcripts from extracurricular programs. She stated the program was offered through an independent contractor, and Lou Phillips was her instructor.

Tree Allemang stated that Ms. Seevers told her they attended school together, however, she does not know her.

Billie Shea asked if this would affect the way she voted?

Ms. Allemang stated “No”.

**Motion:** Robin Graber made a motion to table the application for more information.

**Seconded:** Joe Cracraft

**In Favor:** Joe Cracraft and Michelle Viesselman

Motion does not carry.

Ms. Allemang stated the certificate is the same as hers.

**Motion:** Michael Smith made a motion to grant a license with no restrictions to Katrina Seevers, provided she submits documentation of attending school.

**Seconded:** Robin Graber

**Motion carried.**

h. Review Application of Louis S. Phillips for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present.

Lisa Cooper stated that Louis Phillips was before the Board because he received education from more than one school and is requesting to be granted a license under NRS.640C.400.

Tree Allemang recused herself because this is the school where she trained as a massage therapist and he was an instructor.

Mr. Phillips stated that he has a Bachelor’s Degree in Health Education and is one class and a thesis away from receiving a Master’s Degree in Public Health.

Robin Graber asked Mr. Phillips if he had a Washoe County license in 2007?

Mr. Phillips stated “Yes” and he received his first license in 1986.

Ms. Graber asked Mr. Phillips what he has been doing since his license expired in 2007?

Mr. Phillips stated that he has been doing other jobs, and he is looking to renew his license due to the economy. He stated he would like the Board to look at this as a portfolio review because of all of his years of experience and he has passed the National Exam.

Billie Shea stated that she sees a lot of certificates but not a lot of transcripts.

Mr. Phillips stated that he started school in 1984, and there were no transcripts. He stated until this Board was formed, requirements varied from county to county.

Ms. Graber stated that she had to bring her transcripts to Washoe County when she transferred from Washington.

Ms. Shea stated that she does not disagree with Mr. Phillips. She stated that because he is not grandfathering in nor is he renewing, she does not see enough information to validate that his hours were met. She stated the requirements may have been different, but there is nothing to look at.

Ms. Graber asked Mr. Phillips if he tried to get a transcript?

Mr. Phillips stated "Yes", he contacted Ralston School. He stated that because he studied in 1984, the current owners do not have any record of him. He stated that his Harmon transcripts are included.

Michael Smith asked Mr. Phillips if portfolio review was done for him to take the National Exam?

Mr. Phillips stated that he sent all of his paperwork to the NCBTMB and they gave him the okay to take the exam.

Ms. Shea asked Mr. Phillips if he took the NESL?

Mr. Phillips stated "Yes".

Ms. Shea stated that the NESL means there is a test available to take, however the National Certification Board did not do a portfolio review. She stated that you complete the application, pay the fee and you are able to take the test. She stated that we cannot go to the National Certification Board and assume they did a portfolio review and came up with a number to say that the education was met. Ms. Shea asked Mr. Phillips if he had any personal notes from school or transcripts in his personal records?

Mr. Phillips said that he cannot manufacture something that does not exist because it was not done at that time.

Ms. Graber asked Mr. Phillips why he did not grandfather in?

Mr. Phillips stated that he was doing other things professionally. He asked the Board to please consider his level of education because it is far beyond the requirements.

Ms. Shea stated that she does agree, however, the Board has had other applicants, including chiropractors, who were turned down because they were not trained in massage therapy. She stated that in order for the Board to grant a license, they need information from a massage therapy school.

Mr. Phillips stated that the Board does have his transcripts from Harmon and his license from Washoe County. He stated that Washoe County required him to show proof of school as well as taking a practical, written and verbal exam.

Ms. Shea asked if Mr. Phillips could obtain those records?

Mr. Phillips stated "No". He stated there have been two owners since he attended school. He stated that he did go to Washoe County with his license in hand and they could not provide him with anything.

Ms. Shea asked Mr. Phillips if he has contacted Post Secondary Education?

Mr. Phillips stated that he has not gone that route.

**Motion:** Michelle Viesselman made a motion to table the application for Louis Phillips so that he can contact Post Secondary Education, and retrieve any other personal records.

**Seconded:** Robin Graber

**Motion carried.**

- i. Review Application of Melissa S. Householder for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present

Lisa Cooper stated that Melissa Householder is before the Board due to education received in California and is requesting to be granted a license under NRS.640C.400. She stated that the school is not on the list provided by the CAMTC.

Michael Smith stated that her courses meet our standards.

**Motion:** Michael Smith made a motion to grant a license to Melissa Householder with no restrictions.

**Seconded:** Michelle Viesselman

**Motion carried.**

- j. Review Application of Fang Wang for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present; Alex Young, Interpreter – Present.

Lisa Cooper stated that Fang Wang is before the Board due to education received in California. She stated the school is not on the list from the CAMTC, and is requesting to be granted a license under NRS.640C.400.

Mr. Young stated that Ms. Wang was able to obtain a typewritten transcript from her school.

Billie Shea told Ms. Wang to give the transcript to Michelle Viesselman.

Ms. Viesselman stated it is the same transcript the Board already has, except it is a typed version.

Ms. Cooper stated that she did send an email to the CAMTC about this school and they stated there were no red flags.

Ms. Viesselman stated the education meets the Board's requirements.

**Motion:** Michelle Viesselman made a motion to grant a license to Fang Wang with no restrictions.

**Seconded:** Michael Smith

**Motion carried.**

- k. Review Application of Junghee Choi for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4), NRS 640C.400 (4) – Present; Rick Chi, Interpreter – Present.

Lisa Cooper stated that Junghee Choi is before the Board due to education received in California and is requesting to be granted a license under NRS.640C.400. Ms. Cooper stated the school is not on the list provided by the CAMTC.



Michelle Viesselman stated that she is confused by the transcript because the breakdown is 300 hours in Acupuncture and 300 hours in Massage Therapy and stated that she is concerned that there are not 500 hours in massage.

Billie Shea stated that there are a lot of programs that tie in Acupuncture.

Ms. Viesselman stated it clearly says Acupuncture, 300 hours and Massage Therapy, 300 hours.

Michael Smith asked if legally, the Board can grant a license if the certificates are used separately?

Ms. Shea stated that in the past, the Board has combined a person's certificates.

Joe Cracraft stated that in the past, the Board has denied a license if a certificate wasn't present. He asked if there has to be a certificate stating 500 hours?

Ms. Shea stated under NRS.640C.400.4, the Board may recognize other programs of massage therapy.

Senior Deputy Attorney General, Keith Marcher stated that the law gives the Board discretion and this case would fall under that.

**Motion:** Robin Graber made a motion to grant a license with no restrictions to Junghee Choi.

**Seconded:** Tree Allemang

Michelle Viesselman stated for the record this would be an approval by Portfolio Review, and not by Application Review.

**Motion carried.**

- I. Review Application of D.A. G. Weisheipl for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Not Present.

Lisa Cooper stated that D.A. Weisheipl is before the Board due to education received in California and is requesting to be granted a license under NRS.640C.400. She stated that the school is not on the list of the CAMTC.

Michelle stated that his education meets our requirements.

**Motion:** Michelle Viesselman made a motion to grant a license to D.A. Weisheipl with no restrictions.

**Seconded:** Kathleen Pilgreen

**Motion carried.**

- m. Review Application of for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Item removed from agenda.

- n. Review Application of Binli Yuan for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Not Present

Lisa Cooper stated that Binli Yuan is before the Board due to education received in California at Select Therapy Institute and is requesting to be granted a license under NRS.640C.400.

**Motion:** Robin Graber made a motion to deny the application for Binli Yuan based on the Board's decision to deny all applications from Select Therapy Institute.

**Seconded:** Michael Smith

**Motion carried.**

- o. Review Application of Xiaoyan Liu for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present

Lisa Cooper stated that Xiaoyan Liu is before the Board due to education received in California at Select Therapy Institute and is requesting to be granted a license under NRS.640C.400.

**Motion:** Robin Graber made a motion to deny the application for Xiaoyan Liu based on the Board's decision to deny all applications from Select Therapy Institute.

**Seconded:** Michael Smith

**Motion carried.**

- p. Review Application of Jie You for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present; Alex Young, Interpreter – Present.

Lisa Cooper stated that Jie You is before the Board due to education received in California and is requesting to be granted a license under NRS.640C.400. She stated that Jie You provided all the documentation requested by the Board.

Michelle Viesselman stated that the Board has had issues with Royal Irvine not meeting the required hours of education. She stated that Ms. You is short hours in Boundaries and Ethics as well as Theory and Technique.

Robin Graber stated that she agrees the education is not up to standard.

**Motion:** Robin Graber made a motion to deny the application for Jie You based on lack of education.

**Seconded:** Michael Smith

**Motion carried.**

- q. Review Application of Jack Chen for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present.

Lisa Cooper stated that Jack Chen is before the Board due to education received in California at Royal Irvine College and is requesting to be granted a license under NRS.640C.400.

Michelle Viesselman stated that his transcripts do not meet the Board's educational requirements.

**Motion:** Michael Smith made a motion to deny the application for Jack Chen based on lack of education.

**Seconded:** Kathleen Pilgreen

**Motion carried.**

- r. Review Application of Keyang Xu for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present; Alex Young, Interpreter – Present.

Lisa Cooper stated that Keyang Xu is before the Board due to education received in California at Royal Irvine College. She stated that Ms. Xu is requesting to be granted a license under NRS.640C.400.

Billie Shea stated that Ms. Xu was before the Board previously.

Michelle Viesselman stated that this application is lacking hours and educational content.

**Motion:** Michelle Viesselman made a motion to deny the application for Keyang Xu based on lack of education.

**Seconded:** Joe Cracraft

**Motion carried.**

- s. Review Application of Shuling Liu for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Not Present.

Lisa cooper stated that Shuling Liu is before the Board due to education received in California and is requesting to be granted a license under NRS.640C.400. She stated that this school is on the list from CAMTC.

Michael Smith stated that Ms. Liu's transcripts do not meet the Boards requirements.

**Motion:** Michael Smith made a motion to deny the application for Shuling Liu based on lack of education.

**Seconded:** Michelle Viesselman

**Motion carried.**

- t. Review Application of Chien Yu Chen for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.400 (4) – Present; Shiu Wong, Interpreter – Present.

Lisa Cooper stated that Chien Yu Chen is before the Board due to education received in California at Royal Irvine College and is requesting to be granted a license under NRS.640C.400.

Michelle Viesselman stated that this application is lacking in the Board's educational requirements.

**Motion:** Tree Allemang made a motion to deny the application for Chien Yu Chen based on lack of education.

**Seconded:** Michael Smith

**Motion carried.**

- u. Review Application of Marie S. Graham for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.700 (3) – Present; Ed Oueilhe, Attorney-At-Law – Present.

Lisa Cooper stated that Marie Graham is before the Board due to criminal history that violates NRS.640C.700 and is requesting to be granted a license under NRS.640C.400. Ms. Cooper stated that currently Ms. Graham is on probation and in the past, the Board has mimicked a person on probation by putting them on probation. She stated that Ms. Graham will be off of probation in two months, and recommends the Board give her a license with no restrictions, and once Ms. Graham is off of probation, she can provide the Board with the paperwork. She stated that if she did not by a certain date, she would be brought back before the Board, because if the Board were to put her on probation for two months, she will be back at the next Board meeting.

Billie Shea asked if Ms. Graham has been arrested more than once?

Mr. Oueilhe stated "Yes".

Ms. Shea asked Mr. Oueilhe to explain Ms. Graham's past history so the Board can determine if there is a pattern.

Mr. Oueilhe stated that Ms. Graham has letters of recommendation stating that she is doing great and participating in Diversion Court and that she will be done in a year. He stated that Ms. Graham has been convicted of drug charges in the past and they were all marijuana related. He stated that she admitted to her drug addiction and has been drug free for quite some time.

Motion: Robin Graber made a motion to grant a license to Marie Graham with no restrictions.

**Seconded:** Tree Allemang

Michelle Viesselman stated that she would like to have Ms. Graham do random drug tests to support her sobriety.

Ms. Cooper stated that in a previous case that had an issue with substance abuse, the Board received an evaluation from a psychologist with a clinic and that could be another option.

Ms. Viesselman stated that in the past, the Board has also requested random drug testing.

Ms. Shea stated that Ms. Graham has been testing clean for over one year.

Joe Cracraft stated that the drug testing will stop once she is off of probation.

**In Favor:** Robin Graber and Tree Allemang.

**Opposed:** Michelle Viesselman, Michael Smith, Kathleen Pilgreen and Joe Cracraft

**Motion does not carry.**

**Motion:** Michelle Viesselman made a motion to grant a probation license to Marie Graham for one year with random drug tests and also stated that Ms. Graham would be responsible for the cost of the drug test.

**Seconded:** Joe Cracraft

Mr. Oueilhe asked the Board how many tests would there be because they are expensive?

Ms. Cooper stated there will not be several tests but there will be more than one.

**Motion carried.**

- v. Review Application of Molly S. Norlatti for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.700 (3) – Present.

Lisa Cooper stated that Molly Norlatti is before the Board due to criminal history and is requesting to be granted a license under NRS.640C.400.

Ms. Norlatti stated that she was arrested four years ago and is now living an honest life, and stated that she has come a long way.

Lenny Lorusso asked Ms. Norlatti when was the last time she was arrested?

Ms. Norlatti stated in 2006.

Mr. Lorusso asked Ms. Norlatti when was the last time that she was cited?

Ms. Norlatti stated it was in 2009 for stealing formula. She stated that she was given a ticket and the case was dismissed.

Mr. Lorusso asked if Ms. Norlatti disclosed that information on her application?

Ms. Norlatti stated “No”.

Billie Shea stated that question 7 on the application asks if you have ever been arrested.

Mr. Lorusso stated that technically she was arrested. He stated there may have been some confusion because when people are given tickets, it is saying that you have intent to appear in court, and technically you are not arrested.

**Motion:** Joe Cracraft made a motion to grant a license to Molly Norlatti with no restrictions.

**Seconded:** Michael Smith

Mr. Lorusso asked Ms. Norlatti if she has ever stolen a television?

Ms. Norlatti stated “Yes” from Walmart in 2006.

Mr. Lorusso asked Ms. Norlatti how many times has she been arrested?

Ms. Norlatti stated once.

Michelle Viesselman stated that she feels Ms. Norlatti should show more empathy.

Ms. Norlatti stated that she is sorry for what she has done in the past.

**In Favor:** Joe Cracraft, Michael Smith, Tree Allemang and Kathleen Pilgreen

**Opposed:** Robin Graber and Michelle Viesselman

**Motion carried.**

w. Review Application of Timothy Ward for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.700 (3) – Present

Lisa Cooper stated that Timothy Ward is before the Board due to criminal history and is requesting to be granted a license under NRS640C.400.

Mr. Ward stated that he has letters of recommendation from friends and neighbors, and that this happened 26 years ago.

Michelle Viesselman asked Mr. Ward if he was a registered sex offender?

Mr. Ward stated “Yes”. He stated this happened in 1984, and he was not told that he had to register until Clark County did a background check after he attended massage therapy school back in 2002. He stated that he believes there is a provision that if you register for ten years, you can petition so that you will not have to register anymore and had he known then, his time would have been served and he would no longer have to register, but plans to petition in 2012.

Billie Shea asked Mr. Ward if he held a city or county license?

Mr. Ward stated “Yes”, a temporary for one year.

Ms. Shea asked Mr. Ward what happened after the year?

Mr. Ward stated that the construction business was doing well and he was focused on that.

Ms. Shea asked Mr. Ward how long has it been since working as a massage therapist?

Mr. Ward stated since 2002.

Ms. Shea asked Mr. Ward what happened with the incident 20 years ago?

Mr. Ward stated that he was masturbating in the car and he thinks that some students walked by and called the police.

Ms. Shea asked if Mr. Ward lived close by?

He stated that he did live close but he was not by a school.

Mr. Cracraft asked what is the “tier system” that is in their Board packet?

Lenny Lorusso stated that the tier system rates offenders based on the act of crime, with zero being the lowest. He stated that this goes against the mission statement of the Board and does not see how they could grant him a license. He stated that although this

happened a long time ago, with this type of license, Mr. Ward still has to be held accountable for his actions.

Senior Deputy Attorney General, Keith Marcher asked how long ago was the crime?

Ms. Shea stated 20 odd years ago.

Mr. Marcher stated that the Board cannot deny him, because we can only go back ten years under NRS640C.700.

Ms. Viesselman stated that we can deny based on him being a registered sex offender.

Mr. Marcher stated that he understands the Boards concerns, but under the NRS, he cannot be denied. He asked if he was arrested in 2002?

Mr. Lorusso stated "No", but said technically he could have been because he was in violation of the law by not registering.

Board reviewed the NRS to determine if Mr. Ward would be in violation.

**Motion:** Michelle Viesselman made a motion to deny the application for Timothy Ward based on NRS640C.400.5 (a)(1), which states the Board can conduct an investigation to determine the reputation and character of the applicant.

**Seconded:** Robin Graber

**In Favor:** Robin Graber, Tree Allemang, Kathleen Pilgreen, Michael Smith and Michelle Viesselman

**Opposed:** Joe Cracraft

**Motion carried.**

Mr. Marcher stated the Board may want to go back to Legislature for cases like this.

- x. Review Application of Elizabeth V. Sullivan for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.700 (3) – Present

Lisa Cooper stated that Elizabeth Sullivan is before the Board due to criminal history and is requesting to be granted a license under NRS640C.400.

Ms. Sullivan stated that she was in the middle of a divorce, and saw her husband with another woman. She stated that she keyed his car and was arrested.

**Motion:** Michael Smith made a motion to grant a license with no restrictions to Elizabeth Sullivan.

**Seconded:** Michelle Viesselman

**Motion carried.**

- y. Review Application of Yuping Wang Wilson for Approval, Denial or Other Administrative Action Pursuant to NRS 640C.700 (3) – Not Present.

Lisa Cooper stated that Yuping Wang Wilson asked to be removed from the agenda.

## 11. \* Discussion/Amendment/Approval of Board Meeting Minutes

a. April 9, 2010

Michelle Viesselman stated that for Item 10D, at the revisit point, she would like to add that Robin Graber spoke with the applicant at break and would like her words in the minutes verbatim.

**Motion:** Joe Cracraft made a motion to approve the Board Meeting Minutes with corrections.

**Seconded:** Michelle Viesselman

**Motion carried.**

## 12. \* Financial Report Discussion/Approval

a. Budget 09/10 Year to Date

Joe Cracraft stated that the YTD total income should be in parenthesis. He asked if the reason the Board is below our projected income is because of the decrease in the number of applicants?

Lisa Cooper stated it looks like we will hit the projected number. She stated the only area of concern is the applications and she stated that it will be close.

Billie Shea reminded the Board that the proposed budget is through the end of June 2010.

Mr. Cracraft stated that he understood that, but does Ms. Cooper feel that the \$21,000.00 difference will be picked up within the next month?

Ms. Cooper stated we will probably have 50 new applicants, so we may be short a little.

Mr. Cracraft asked if it will have the same affect on the background fees?

Ms. Cooper stated "Yes".

Mr. Cracraft asked if we project we will receive \$150,000.00 within the next few weeks for licensing fees?

Ms. Cooper stated "Yes", she projects we will meet that number.

Mr. Cracraft stated on the operating expense, we are almost \$50,000.00 over budget, but with the decrease in salaries it balances out.

Ms. Cooper stated that \$66,000.00 is not offset on the proposed side, because it those are the fines that the Board has to pay to the State.

Mr. Cracraft asked if the fines have to be reported as income somewhere on the budget?

Ms. Shea stated that Ms. Cooper is showing the variance because it is a true expense and there is no proposal to offset the variance.

Motion: Michelle Viesselman made a motion to approve the Budget 09/10 Year to Date.



Seconded: Michael Smith  
Motion carried.

b. Proposed 2010/2011 Budget

Joe Cracraft stated on the income proposal, we know we have \$69,000.00 or so that was paid in fines to the State. He asked if we are going to reflect that in the next year's budget?

Lisa Cooper stated "No" because we do not know how many arrests there will be and how much money will be generated.

Billie Shea stated that it is a pass through.

Ms. Cooper stated that she cannot send an inspector out and say they have to get a certain amount of fines per month so it is hard to project.

Mr. Cracraft said he understood that. He asked if 500 new applications are realistic?

Ms. Cooper stated that she dropped down the number again. She stated it is hard to gage and there is no rhyme or reason for the increases or decreases in new applicants. She stated she feels that 500 is a conservative amount. She stated that with all of the money going into Federal Programs, this number will sustain. She stated that as far as license, 3,200 is a realistic number as well.

Ms. Shea stated that if we change our approach, she suggests reducing the number of applicants to show a more conservative number, but to increase the number of renewing licenses because we are consistently looking at 4,000.

Ms. Cooper stated that if the Board wants to, she can do that.

Mr. Cracraft stated that he is just asking questions. He stated that the proposed for next year is \$209,000.00 and this year it is \$258,000.00 and would like to know what we are doing to cut the costs?

Ms. Shea stated that the proposed for 2010 is \$209,000.00 and for last year it is also \$209,000.00.

Mr. Cracraft stated that if the \$60,000.00 in fines is eliminated, it makes sense.

Ms. Shea asked Ms. Cooper if she could pull the fines out and show them on a separate line?

Ms. Cooper stated "Yes" she can put it down by the revenue area.

Mr. Cracraft asked what we are doing to maintain the reduction in costs in the total salaries?

Ms. Cooper stated that she has made two cuts in staff.

Mr. Cracraft asked about our membership to The Federation.

Ms. Cooper stated the Board has already approved The Federation, and that today, we are going to talk about our membership with CLEAR.

Mr. Cracraft asked how many people are projected to go to Puerto Rico?

Ms. Cooper stated that two people can attend. She stated that she still has money in this year's budget to purchase the airline tickets. She stated if the Board approves today, she can buy the tickets within the next few weeks, and that will leave next year's budget okay.

Mr. Cracraft stated that if we take it out of this year's budget, realistically, we can still end up in the red.

Ms. Cooper stated that with the amount of renewals coming in, we should be okay. She stated the other option could be to wait until the end of the month to purchase the tickets, that way, she can see the numbers.

Mr. Cracraft stated he is not objecting to ending up in the red, he just thinks we should keep that in mind.

Ms. Cooper stated that money will be taking from the reserves for the new card system and the telephone system.

Mr. Cracraft stated that we have a lot of money in the reserves, and his concern is to not touch that money unless the Board has to.

Ms. Cooper stated that she agrees.

Ms. Shea stated that to end every year in the positive, even if it is just a little bit, will grow the money in the reserves.

i. Review/Discuss/Action of Employment of Board General Counsel or Contract for  
Administrative Functions

1. Louis Ling

Billie Shea stated that Mr. Ling came to speak with the Board and made a proposal to help us with the general business of the Board. She stated that he would be available for contracts and other small projects.

Lisa Cooper stated that Joe Cracraft was not at the last meeting. She stated that we do a contract maybe once a year, and that person has to be certified. She stated that it is a three or four day class every year to get certified and it is not beneficial to the Board for her to do the class. She stated that Mr. Ling is certified and we can contract him for specific tasks such as help with our NAC's and NRS.

Michelle Viesselman stated that Keith Marcher was going to check with the Attorney General's office to see how they felt.

Mr. Marcher stated that he does not think the Attorney General will mind. He also stated that they cannot control who the Board hires.

Ms. Viesselman stated she just wanted to make sure that it would not limit the Board's accessibility to the Attorney General.

Mr. Marcher stated "No".

Ms. Shea stated that at \$100.00/hr, he would be good insurance for the Board.

Joe Cracraft asked what the budget for this is?

Ms. Cooper stated that the Board set a limit of 8 hours per week, or 16 hours per month. She stated it could be at the Board's discretion.

Mr. Cracraft asked how many hours does Ms. Cooper project we will need him?

Ms. Cooper stated about 16 hours per month.

Ms. Viesselman stated that would be a savings because we pay a higher rate with the Attorney General.

Ms. Shea asked if the Board wanted to put a cap on the amount of time Mr. Ling would be used?

Michael Smith stated that we do not have any solid numbers. He asked Ms. Cooper how often does she use the Attorney General's office?

Ms. Cooper stated that it depends.

Mr. Marcher stated that realistically, he doesn't see Mr. Ling working a lot of hours.

Ms. Shea stated the Board will keep an eye on the budget.

ii. Review/Discussion/Action for Hiring a Lobbyist and/or getting help for Reviewing/Identifying Bills that Would Affect NRS 640C

Lisa Cooper stated that she has been talking about hiring a lobbyist, so the Board will have someone looking at the bills for us. She stated that every year, someone puts something in their bill about soft tissue manipulation, or something pertaining to our territory. She stated that she has spoken with other Executive Directors. She stated there was one person that wanted to be our lobbyist, although we are not carrying a bill. She stated that she found someone who could do a service contract and if we needed them to be our lobbyist, the contract could be changed. She stated she would review and identify bills that would affect our NRS. She stated that she is also a lobbyist, but we would only utilize her to identify the language in bills and get back to us. Ms. Cooper stated she feels this is the cheaper way to go, and there is enough money in the budget to also hire her as a lobbyist if needed.

Joe Cracraft asked if the Board was unhappy with the lobbyist from last session?

Ms. Cooper stated that his fee would be just as much and a bill also passed that they did not know about until after the fact.

Mr. Cracraft asked what her qualifications are?

Ms. Cooper stated that she does this for several Boards currently and she also represents a few healthcare boards, so she is familiar with the language in the BDR's. She stated she would tell her what we are looking for. She stated that she has also already given her some information.

Mr. Cracraft asked how much?

Ms. Cooper stated \$1,200.00 per month. She stated the other ones were \$24,000.00 over two years and \$22,000.00 for six months.

iii. Review/Discussion/Action on Travel to the 2010/2011 Federation of State Massage Therapy Boards Conference

Billie Shea stated the delegate goes for free and the Board will pay for one or possibly two other people to go. She suggests naming someone as the delegate to go because that person will be representing the Board, and they will also be eligible to run for office on The Federation Advisory Council.

Michelle Viesselman stated that due to the budget, allow one delegate and one additional person to attend.

Robin Graber agreed. She nominated Billie Shea as the delegate.

Ms. Viesselman agreed.

Ms. Shea stated that each year, the Board can change the delegate because it can be members of the profession or staff of the offices.

The Board agreed that Robin Graber will attend.

iv. Review/Discussion/Action of Membership to Council on Licensure, Enforcement & Regulation (C. L. E. A. R.)

Lisa Cooper stated that \$240.00 is the cost of membership.

v. Review/Discussion/Action on Travel to F.A.R.B. in January 2011

Billie Shea asked who would like to attend?

Tree Allemang was the only Board member who stated she would not like to attend.

Keith Marcher stated he would like to attend.

Ms. Shea asked if he could get another Board to pay for half of his costs?

Mr. Marcher stated he will look into it.

Joe Cracraft asked how much would it be to attend?

Ms. Cooper stated either \$645.00 per person or \$545.00 per person.

Mr. Cracraft asked if that included food and transportation?

Ms. Cooper stated "No".

Ms. Shea stated she estimates it will cost approximately \$2,000.00 per person. She stated to do Keith Marcher plus two.

The Board agreed.

**Motion:** Michelle Viesselman made a motion to approve items 12(b) i – v.

**Seconded:** Robin Graber

**Motion carried.**

### **13. \*Review/Discussion/Action on New License Format**

#### **a. Card vs. Paper or Both**

Ms. Cooper stated that she purchased the new card machine.

Michelle Viesselman stated that because some people work in multiple places, and the licenses must be displayed, to have both the cards and the paper.

Ms. Cooper stated she would like to do the card, redo the paper and on the bottom left corner of the paper, it will just be a tri fold paper and she will place the card on the paper.

**Motion:** Robin Graber made a motion to use both card and paper for licenses.

**Seconded:** Tree Allemang

**Motion carried.**

### **14. \* Create an Education Committee to review Paperwork from California School or require Applicant to be Certified in California.**

Lisa Cooper stated if the Board would like to form a committee to review the paperwork, which would be great.

Michelle Viesselman, Kathleen Pilgreen and Michael Smith agreed that they would like to be on that committee.

**Motion:** Kathleen Pilgreen made a motion to create an education committee to review paperwork for California Education

**Seconded:** Robin Graber

**Motion carried.**

Keith Marcher reminded the Board that this has to be under the Open Meeting Law.

#### **15. Review of Inspection Numbers**

No approval needed.

#### **16. Public Comments**

No public comment.

#### **17. Future Agenda Items**

No future agenda items

#### **18. \* Adjournment No later than 4:00 PM**

Meeting adjourned at 3:35 p.m.

Please note: The Nevada State Board of Massage Therapists may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

\*\*Under the Public Comment agenda item, members of the general public may bring matters not appearing on this agenda to the attention of the Board. The Board may discuss the matters, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future agenda for action. In consideration of others who may also wish to provide public comment, please avoid repetition and limit your comments to no more than three (3) minutes.

NOTE: WE WILL MAKE REASONABLE ACCOMMODATIONS FOR MEMBERS OF THE PUBLIC WHO ARE DISABLED AND WISH TO ATTEND THE MEETING. SHOULD SPECIAL ARRANGEMENTS FOR THE MEETING BE NECESSARY, PLEASE NOTIFY THE MASSAGE THERAPY LICENSING BOARD IN WRITING AT 1755 E. Plumb Lane Suite 252, Reno, NV 89502 or CALL LISA COOPER, (775) 688-1888, AS SOON AS POSSIBLE.

The Agenda was posted at the following places:

Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, NV  
Office of the Attorney General, 100 N. Carson Street, Carson City, NV  
Office of the Attorney General, 5420 Kietzke Lane Ste 202, Reno, NV  
Nevada State Board of Massage Therapists Website  
Nevada State Board of Massage Therapists, 1755 E. Plumb Lane Suite 252, Reno, NV 89502  
Nevada State Board of Massage Therapists, 101 Convention Center Drive Suite 830,  
Las Vegas, NV, 89109